

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

GEORGETOWN DENTAL, LLC,)
)
)
)
Plaintiff,) Civil Action No. _____
)
v.) Judge _____
)
THE CINCINNATI INSURANCE)
COMPANY and THE CINCINNATI)
CASUALTY COMPANY,)
)
Defendants.)

NOTICE OF REMOVAL

Defendants, THE CINCINNATI INSURANCE COMPANY ("Cincinnati Insurance") and THE CINCINNATI CASUALTY COMPANY ("Cincinnati Casualty") (hereinafter referred to collectively as "Cincinnati" or "Defendants") pursuant to 28 U.S.C. §1446, hereby remove the above-captioned action, pending in the Marion County Superior Court as Cause No. 49D13-2101-CT-001160 to the United States District Court for the Southern District of Indiana. Removal is based upon 28 U.S.C. § 1332. As grounds for removal, Cincinnati states as follows:

1. Plaintiff GEORGETOWN DENTAL, LLC ("Plaintiff") filed a complaint in the Marion County Superior Court under Cause No. 49D13-2101-CT-001160 (the "State Court Case").
2. Plaintiff is seeking declaratory relief concerning insurance coverage for alleged business income losses under a policy of insurance issued to it by The Cincinnati Insurance Company. A true copy of the State Court Case Complaint with summons and

appearance by Plaintiff's counsel and the appearance for Defendants' counsel are attached hereto as **Exhibit 1**. Although the State Court Complaint references the insurance policy issued to Plaintiff, the policy was not attached as an exhibit.

3. Plaintiff seeks insurance coverage for loss of business income due to the closure or reduction of its business in response to the Coronavirus and related government orders.

4. Plaintiff reported that its financial losses exceed \$95,000. See **Exhibit 2**.

5. There is complete diversity of citizenship among the parties.

6. Plaintiff is an Indiana limited liability company with its office in Georgetown, Indiana.

7. Plaintiff's sole member is Cherie Sedwick, who resides in and is a citizen of Indiana.

8. Cincinnati Insurance and Cincinnati Casualty are Ohio Corporations headquartered in Fairfield, Ohio.

9. Pursuant to 28 U.S.C. § 1332, the District Courts have jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

10. This matter is properly removed pursuant to 28 U.S.C. §1441, which permits removal of cases to federal court based on diversity of citizenship.

11. Defendants were served with summons via certified mail on January 19, 2021.

12. This notice is timely because it is filed within 30 days of service of the complaint. See 28 U.S.C. §1446(b).

13. This Court is situated in the district and division serving the location of the action pursuant to 28 U.S.C. §1446(a).

14. Defendants will also file its "Notice of Filing Notice of Removal" with the Marion County Superior Court and then serve a copy upon Plaintiff's counsel pursuant to 28 U.S.C. §1446(a) and (d).

WHEREFORE, this Action should proceed in the United States District Court for the Southern District of Indiana, Indianapolis Division, as an action properly removed thereto.

DATED: February 18, 2021

Respectfully Submitted,

By: /s/ Dennis M. Dolan
One of the Attorneys for
THE CINCINNATI INSURANCE
COMPANY and THE CINCINNATI
CASUALTY COMPANY

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